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Report of the Secretary-General on children and armed conflict in the Sudan

Summary

The present report has been prepared within the framework of Security Council resolution 1612 (2005). It is the fourth report on the situation of children and armed conflict in the Sudan to be submitted to the Council and its Working Group on Children and Armed Conflict, covering the period from January 2009 to February 2011. The report follows my third report (S/2009/84) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2009/5).

The report notes advancements made during the reporting period by national authorities in addressing grave violations against children, through strengthened legislative frameworks and other practical measures for child protection. Moreover, some progress has been made in the dialogue and the signing of action plans with the State and non-State parties to the conflict, and in the release of children.

However, the report shows the continued presence of children in the Sudanese Armed Forces (SAF), its associated forces, Sudanese police forces, the Sudan People's Liberation Army (SPLA), as well as several armed groups in Darfur, and the perpetration of other grave violations against children in the Sudan. Of particular concern are the killing and maiming of children, and sexual violence against children. The report emphasizes the priority of combating impunity for all grave violations and outlines response efforts undertaken by national and international actors to address those violations.

Reporting on violations continued to be significantly hampered by insecurity and lack of access to non-Government-controlled areas, as well as by Government restrictions, in particular in Darfur and the transitional areas. Difficulty in recording new splinter groups, unclear chains of command, extremely mobile groups and renewed clashes between Government forces and armed groups also contributed to the creation of a challenging monitoring and reporting environment.

Finally, the report contains a series of recommendations aimed at ensuring strengthened action for the protection of children in the Sudan.

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I. Introduction

1. The present report, prepared pursuant to Security Council resolution 1612 (2005), covers the period from January 2009 to February 2011. It is the fourth report on children and armed conflict in the Sudan to be submitted to the Security Council and its Working Group on Children and Armed Conflict. The report focuses on grave violations perpetrated against children and progress made in ending such violations, in follow-up to the recommendations contained in my previous relevant reports (S/2007/400, S/2008/532 and S/2009/84), as well as to the conclusions of the Council's Working Group on Children and Armed Conflict (S/AC.51/2007/16, S/AC.51/2008/15 and S/AC.51/2009/5).

II. Political and security developments

2. During the reporting period, the political landscape in the Sudan was dominated by preparations for national and State-level elections in April 2010, as well as by preparations for the referendum on the self-determination for Southern Sudan in January 2011, and discussions on the completion of the Comprehensive Peace Agreement, the status of Abyei and post-Agreement arrangements.

3. Omar Al-Bashir was elected President of the Republic during the April 2010 national elections, and Salva Kiir Mayardit was elected President of the Government of Southern Sudan. Elections in Southern Kordofan State were delayed, owing to disagreements over the census results and constituency delimitation.

4. On 9 January 2011, voting took place in the referendum on self-determination for Southern Sudan. More than 98 per cent of voters were in favour of separation. The results were immediately accepted by the National Congress Party (NCP) and were later endorsed by the national legislature. Negotiations on outstanding matters relating to the Comprehensive Peace Agreement and post-Agreement arrangements were ongoing.

5. While the Comprehensive Peace Agreement also required a referendum to determine the status of the contested Abyei Area, the referendum did not take place, owing to disagreements over the eligibility requirements for the vote. Serious clashes occurred in Abyei in January 2011, following which provisional agreements were reached between the parties.

6. During the reporting period, the security situation in Southern Sudan was characterized by localized violence, often involving large numbers of civilian casualties. In particular, disputes over the April 2010 electoral outcomes in Jonglei, Upper Nile and Unity States led to armed conflicts involving rebel militia leaders and the Sudan People's Liberation Army (SPLA). During February 2011, heavy fighting took place between General George Athor and SPLA in the area between Jonglei and Upper Nile States, leading to hundreds of casualties and the displacement of tens of thousands.

7. Operating from bases in the Democratic Republic of the Congo and Central African Republic, the Lord's Resistance Army (LRA) continued to threaten civilians, including refugees and internally displaced persons, in Western Equatoria State. During the reporting period, the United Nations has recorded at least 26 attacks in Southern Sudan, during which 47 children were killed, 26 wounded and

286 abducted. More than 170 children have been reported missing following attacks in the States of Greater Equatoria.

8. In Darfur, progress was made in the negotiations between the Government of the Sudan and the Liberation and Justice Movement under the auspices of the Joint Chief Mediator and the Government of Qatar. Nevertheless, hostilities continued between the Sudanese Government and the armed movements in some parts of Darfur. Other major armed movements, namely Sudan Liberation Army (SLA)-Abdul Wahid and SLA-Minni Minawi, did not participate in negotiations with the Government and engaged in sporadic fighting with Government forces. With a view to increasing the inclusiveness of the peace process and enhancing the outcome of the Doha negotiations, preparations were undertaken by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the African Union High-level Implementation Panel for a Darfur-based political process.

9. The security situation in Darfur was characterized by periods of fragile calm and some incidents of armed violence involving the Sudanese Armed Forces (SAF) and several rebel groups, as well as intercommunal conflict. Overall, the rate of intercommunal conflict dropped during the reporting period, owing in part to reconciliation efforts by the Government, local actors and UNAMID. In February 2011, Minni Minawi announced that his movement had withdrawn from the Darfur Peace Agreement, following which a significant increase in fighting between SLA-Minni Minawi and SAF took place in Northern and Southern Darfur. Other clashes occurred between SAF and both the Justice and Equality Movement (JEM) and SLA-Abdul Wahid forces in Western and Northern Darfur during the reporting period, with significant casualties and displacement.

III. Grave violations against children

A. Recruitment and use of children in armed forces and groups

Southern Sudan

10. A total of 328 children (all boys) were confirmed to have been recruited by SPLA during the reporting period. This represents an increase in the recruitment of children by SPLA compared with the previous reporting period, although a larger number of children were also released during this time. Most cases were recorded in Unity, Northern Bahr el Ghazal, Western Bahr el Ghazal, Upper Nile, Eastern Equatoria, Jonglei and Central Equatoria States. In January and February 2011 alone, 20 boys were seen on various occasions in SPLA convoys, protecting high-ranking SPLA officials, wearing SPLA uniforms and/or in possession of weapons in Lakes, Unity, Upper Nile and Jonglei States.

11. Reports were also received of children associated with SPLA in Wunyik, Northern Bahr el Ghazal State; Duar, Unity State; and Mapel, Western Bahr el Ghazal State. In April 2009, SPLA provided to the United Nations Children's Fund (UNICEF) and the Southern Sudan Disarmament, Demobilization and Reintegration Commission a list of 73 children associated with its forces in Wunyik. These children were also attending a school run by SPLA within the camp. A separate joint verification mission conducted in Unity State in August 2009 revealed that some children who had been demobilized and reunited with their families in Warrap State

had rejoined their former units in Unity State. Children separated from SPLA have been documented as returning to SPLA barracks for food and shelter.

12. New cases of child recruitment by other security forces in Southern Sudan have also been documented. The Joint Integrated Units, created under the Comprehensive Peace Agreement, and composed of SPLA and SAF elements, were documented as having recruited 25 boys in Wau, Western Bahr el Ghazal State, in April 2010. It has been difficult for the United Nations to gain access to Joint Integrated Unit camps for advocacy and verification without an existing agreement.

13. Separately, in the first two months of 2011, four cases of children serving with the Southern Sudan Police Service were registered. The actual number of children associated with the Service is estimated to be higher, given the large-scale police recruitment campaign during the run-up to the referendum. An equally worrisome phenomenon is the recruitment during 2010 of children by the Southern Sudan Wildlife Service, which has reportedly provided children with uniforms and guns. Attempts to separate and reintegrate these children were stalled, as the Southern Sudan Disarmament, Demobilization and Reintegration Commission did not recognize them as eligible disarmament, demobilization and reintegration participants.

14. An armed community self-defence group known as "home guards" or "arrow boys" was established in Western Equatoria State to fight against LRA. The United Nations has strongly advocated Government verification of the presence of children in this group. The State Governor has repeatedly given assurance that no children are in this group and that the United Nations may verify this. No United Nations assessment has been conducted to date.

The Three transitional Areas of Southern Kordofan, Blue Nile and Abyei ("Three Areas")

15. The recruitment and use of children by SPLA was verified in the Three Areas (Abyei, Southern Kordofan and Blue Nile States) during the reporting period. For example, in November 2010 eight boys were confirmed to have been recruited in Jaw, Southern Kordofan. In Abyei, the use of 19 children was reported in 10 separate incidents; in January 2011, for example, 6 boys in uniform were observed with SPLA troops near Agok, in the south of Abyei, by the United Nations. Separately, an estimated 800 children were observed at the SPLA division headquarters in Samari, Blue Nile State, during a mission to the Area conducted in March 2009 by the United Nations Mission in the Sudan (UNMIS), SPLA and SAF. An additional 31 children were also verified as having been re-recruited by SPLA in Blue Nile State.

16. Since early 2011, children have been repeatedly observed in Misseriya and Dinka Ngok armed groups, in particular in villages north and east of Abyei town. The United Nations observed at least four armed boys with an armed Misseriya group in February 2011, and six boys were observed with an armed group in a Dinka Ngok village north of Abyei town in January 2011.

Darfur

17. During the reporting period, a total of 501 children (380 in 2009, 115 in 2010 and 6 in January-February 2011), including 6 girls, were verified as being associated

with at least 10 armed forces and armed groups in Darfur. The decrease may be attributed in part to ongoing intense advocacy with the armed forces and armed groups to raise awareness, resulting in commitments to end the recruitment and use of child soldiers. Since 2009, armed groups have registered more than 1,000 children with the Northern Sudan Disarmament, Demobilization and Reintegration Commission for reintegration. Meanwhile, monitoring of the recruitment of and association with children continued to be seriously hampered by difficulties related to security, access to non-Government-controlled areas and movement restrictions imposed by the Government. In addition, the difficulty of keeping track of new splinter groups, unclear lines of command and frequent movement by such groups, as well as renewed clashes between Government forces and armed groups, especially in the last quarter of 2010, have contributed to lower reporting.

18. Children were confirmed to have been recruited by the following armed forces and armed groups: the Border Intelligence Forces, the Central Reserve Police, police forces, pro-Government militias, Chadian armed opposition groups, community policing forces, the Armed Movement of Liberals and Reform, the Justice and Equality Movement (JEM), the People's Defence Forces, the Sudan Liberation Army (SLA)-Abu Gasim, SLA-Abdul Wahid, SLA-Historical Leadership, SLA-Minni Minawi, SAF and others.

19. A sample of verified cases below illustrates the pattern of the association of children with parties to the conflict:

(a) On 21 February 2009, 20 boys between the ages of 12 and 17, wearing uniforms, bearing arms and affiliated with the Union des Forces pour le Changement et la Démocratie faction of the Chadian opposition groups, were observed in Habila town, Western Darfur;

(b) On 22 and 23 July 2010, six boys between the ages of 13 and 17, associated with SLA-Historical Leadership, were observed carrying weapons in eastern Jebel Marra (Southern Darfur);

(c) On 11 August 2010, six boys between the ages of 15 and 17, were observed in El Geneina, Western Darfur, with two adult SAF soldiers in an SAF Land Cruiser pick-up;

(d) On 13 October 2010, two boys estimated to be about 10 years old who were carrying automatic rifles were observed during a mission in Kidingeer, Southern Darfur. It was later confirmed that they belonged to the People's Defence Force.

20. Cases of the re-recruitment of children in Darfur were also reported. For example, one boy who had participated in the JEM attacks in Omdurman in May 2008, and who had been subsequently demobilized and reunited with his family, was re-recruited by JEM in Northern Darfur in February 2009. Another boy who had also participated in the Omdurman attacks and had escaped during fighting confirmed that he had been re-recruited by JEM in February 2009 in Western Darfur.

Release of children associated with armed forces and groups

Southern Sudan

21. Of the 328 children verified by the United Nations to be associated with SPLA, 277 boys were released (59 in 2009, 210 in 2010 and 8 in 2011). In Unity State, 89 of these children, associated with SPLA division 4, at Pakur and Buoth in Duar, were released in April 2010. In division 5, Mapel, 50 children were released in July 2010. In November 2010, a total of 26 children were registered and released from Wunyik, and the final group of 8 boys from SPLA division 5, Mapel, were also released, all with the support of the SPLA child protection unit.

Three Areas

22. Following consistent advocacy efforts by the United Nations, the first demobilization of 88 children from SPLA in Kurmuk, Blue Nile State, was carried out on 14 May 2009. This was followed by the demobilization of an additional 140 children on 30 December 2010, out of an initial list of 220 children shared by SPLA. A further 190 children were demobilized in Kurmuk on 20 April 2011. All children were reunited with their families. SPLA announced that this was the last group of children associated with its forces in Kurmuk.

Darfur

23. From February 2009 to February 2011, the Northern Sudan Disarmament, Demobilization and Reintegration Commission, with the support of the United Nations, registered 1,041 former child soldiers in Darfur. A verification exercise had thus far resulted in the removal of 97 individuals from this list in Western Darfur, and had confirmed 860 children as eligible for reintegration programmes from the following armed groups: the People's Forces for Rights and Democracy Movement (117 children), JEM-Peace Wing (36 children), SLA-Peace Wing (324 children), SLA-Free Will (173 children) and SLA-Mother Wing (Abu Gasim) (210 children). In addition, in January 2011 SLA-Free Will and SLA-Abu Gasim jointly presented a list of 84 children (44 from SLA-Free Will and 40 from SLA-Mother Wing (Abu Gasim)) in Northern Darfur to the Commission as part of the implementation of their action plans to end the recruitment and use of children in armed conflict.

B. Killing and maiming of children

Southern Sudan

24. During the reporting period, an upsurge in conflict over land and cattle grazing among Murle, Lou Nuer and Dinka tribes in Jonglei and the Equatorias was of particular concern. During 2009, a number of incidents involving at least 2,500 victims, most of them women and children, occurred in Jonglei State. In one incident on 24 April 2009, 50 children, including 22 girls, some as young as 5, drowned in the Akobo River while attempting to escape the gunfire of armed Murle elements. The attackers fired indiscriminately on the civilian population after blocking escape routes. Separately, on 16 December 2009, in a Nuer cattle camp in Warrap State, assailants said to be from the Dinka tribe looted 313 cattle; the counter-attacks by Nuer tribe members claimed 97 civilian victims, among them three children who were killed and six who were injured.

25. In February 2009 in Malakal, clashes between the SPLA and SAF elements of the Joint Integrated Unit, triggered by the arrival of Major General Gabriel Tanginya of SAF, resulted in the deaths of 27 civilians, including four children, and the injury of 63 others, including five children.

26. In December 2010, SAF helicopter gunships shelled the area surrounding the Kiir River in Aweil North County, Northern Bahr el Ghazal State. This incident resulted in 22 casualties, including one child. A joint monitoring team comprising representatives of SAF, SPLA and UNMIS found SAF responsible.

27. The community disarmament exercises of SPLA, aimed at collecting weapons from the civilian population, have resulted in the death, physical abuse and ill treatment of children. Verification missions conducted by the United Nations to two cattle camps in Rumbek East County, Lakes State, revealed that SPLA had surrounded the camps on the nights of 17 and 19 October and severely beaten youths with whips, ropes and canes in order to force them to give up their arms. In one of the camps, approximately 250 children between the ages of 10 and 17 were separated and intimidated, and some were beaten to compel them to disclose information. Separately, three girls aged 5 to 15 were killed by SPLA soldiers during disarmament exercises in Panyijar County, Unity State. Forced disarmament was confirmed in four cattle camps.

28. LRA attacks during the reporting period resulted in the confirmed killing of 47 children and wounding of 26 children. For example, in October 2009 two boys abducted by LRA were killed and their bodies found in Gangura Payam, Western Equatoria State. In April 2010, three children were severely maimed by LRA as a result of an attack in Bazande village, Western Equatoria State. Two of the three children later died from their injuries. In December 2010, a 17-year-old Sudanese girl and her 2-year-old son escaped from LRA in the Central African Republic during crossfire between LRA and the Uganda People's Defence Forces (UPDF). She suffered serious injury and later died. Her son survived the attack.

Three Areas

29. In Southern Kordofan, children were killed as a result of a long-standing conflict between the Ajang Nuba tribe in Abu Junuk and the Misseriya tribe in neighbouring Al Sonut over land ownership and access to water. In an incident on 20 May 2009, a group of some 400 armed Ajang Nuba men attacked a group of Misseriya boys and men from Al Sonut who had brought their cattle to water at Dabut Beni Said. It was alleged that the Ajang Nuba attackers included both civilians and SPLA elements who were on leave. According to information provided by State authorities, 20 of the 25 Misseriya killed were boys between the ages of 12 and 17. In Abyei, seven children suffered injuries in separate incidents after handling unexploded ordnance.

Darfur

30. During the reporting period, 27 children were killed and 36 others maimed in Darfur; however, the exact number of child casualties resulting from Government aerial attacks, ground fighting between armed groups or ethnic clashes is unknown, owing to security restrictions and limited access to affected areas, as well as the displacement of population. Although most cases were attributed to pro-Government militias and Government forces, actual responsibility remains difficult to establish.

31. Although the number of mine and unexploded-ordnance casualties in Northern Sudan increased significantly from 60 in 2009 to 118 as of October 2010, there was a decrease in the number of child victims. In 2009, 12 children were killed and 26 maimed in Darfur in a total of 48 incidents related to unexploded ordnance while in 2010 6 children were killed and 14 maimed in a total of 32 incidents. All victims were boys.

C. Rape and other sexual violence against children

Southern Sudan

32. A development of concern is the apparent increase in the number of reported cases of sexual violence against and rape of girls by SPLA. Twenty-seven girls were sexually harassed or abused by SPLA in separate incidents, mainly in the Great Upper Nile region during operations against renegade SPLA elements. Between 28 February and 3 March 2010, 10 girls were sexually assaulted and/or raped by SPLA soldiers during armed clashes between SPLA and communities in Palal and Tonj in Warrap State.

33. Twelve abductee girls who had been separated from LRA through UPDF-SPLA military operations in Western Equatoria State in 2009 returned either pregnant or with babies born during their captivity. In 2010, two abductee girls, aged 13 and 15, who had escaped LRA reported that they had been raped by LRA fighters in Ezo, Western Equatoria State, when their village was attacked.

Three Areas

34. In Blue Nile State, two young women and a 17-year-old girl were attacked and allegedly raped by three uniformed and armed SPLA soldiers in December 2009. The 17-year-old victim was abducted, and her whereabouts are unknown. Subsequently, one of the soldiers was captured by community members, beaten and taken to the police. No official complaint was filed concerning the rape or the abduction. Local community leaders tried to resolve their concerns directly with SPLA commanders, but SPLA took no disciplinary action against the soldier.

35. Monitoring cases of sexual violence in Southern Kordofan, Abyei and Blue Nile States remains a challenge as the majority of violations are often not reported to law enforcement or judicial authorities. However, according to the Commissioner of El Buram locality in Southern Kordofan State, local communities are increasingly bringing to their attention cases of sexual violence against and harassment of women and young girls by Sudanese Armed Forces soldiers; the United Nations has not been able to verify this information to date.

Darfur

36. During the reporting period, 52 allegations of sexual violence were received by the United Nations, of which 49 cases were verified and reported to the Sudanese police. Despite frequent allegations, the monitoring and reporting of the rape of and sexual violence against children remain a challenge, and there continues to be underreporting owing to fear of retribution and stigmatization. Rape cases that are documented are often allegedly committed by men in uniform and attributed to military and police personnel, factions of armed groups and militia members. Victims and witnesses, however, often provide little information about the identity of the alleged perpetrators, and uniforms alone do not always reliably substantiate affiliation.

37. The cases reported in 2010 include:

(a) A 5-year-old girl allegedly raped on 23 March 2010 by a soldier of the Central Reserve Police in El Fasher, Northern Darfur. Judicial proceedings were initiated with the support of the United Nations, and follow-up with the victim was undertaken by the Ministry of Social Affairs. The El Fasher court released the alleged perpetrator owing to a lack of sufficient proof associating the accused with the incident, and the case was closed;

(b) A 15-year-old girl allegedly raped at gunpoint on 2 December 2010 near a camp for internally displaced persons in Northern Darfur by an SLA-Minni Minawi soldier while two other soldiers restrained her. One of the alleged perpetrators was later arrested and the case referred to the family and child protection unit of the Sudanese police. At the time of reporting, an investigation was ongoing.

38. In areas under the control or influence of armed groups, the lack of capacity of the Sudanese police to investigate cases of sexual violence constitutes a significant challenge. Limited expertise and equipment and the absence of female police officers in some police stations also hamper efforts to assist victims. While some victims receive basic post-rape care, psychosocial support or counselling services are still not provided or not available in most areas.

D. Abduction of children

Southern Sudan

39. During the reporting period, the United Nations verified the abduction of 103 boys and 40 girls in Southern Sudan. Unverified information concerning some 340 child abductions was also received. These cases of child abduction continued to occur in the context of cattle-raiding between and within ethnic communities in Jonglei and the Equatorias; many of the abductions were believed to have been carried out by the Murle tribe, which has not been disarmed by SPLA. However, the identity of perpetrators is difficult to ascertain, and abductions are not exclusive to the Murle. There has been minimal progress in securing the release of these children, which has been increasingly linked to the outcome of political negotiations between the groups.

40. In 2009, 107 children, including 43 girls, were abducted by LRA. In addition, 177 children were reportedly missing following LRA attacks on States of Greater

Equatoria. In 2010, 54 children, including 15 girls, were abducted by LRA. To date in 2011, the LRA has reportedly abducted eight children; five of these abductions (of three boys and two girls) have been confirmed.

Release of abducted children in Southern Sudan

41. In one case in April 2009, 26 children between the ages of 2 and 10 were abducted by the Murle tribe in Jonglei State. Among the group were nine children from the Anyuak tribe in Gambella, Ethiopia. These children were rescued by the Southern Sudan Police Service and repatriated to Gambella, but they were forcibly abducted again by cattle raiders roaming the border between Southern Sudan and Ethiopia. Separately, five Murle children who had been abducted by the Lou Nuer of Akobo late in 2009 were released on January 2010, and were reunited with their families in Pibor County, Jonglei State.

42. Following a peace conference between the Anyuak and Murle communities in Pochalla County, Jonglei State, early in 2009, it was agreed that both communities would return all abducted children. With the support of the Southern Sudan Police Service, a search campaign for abducted children was organized in July 2009 in Pibor County; eight boys and four girls between the ages of 2 and 10 were rescued. The search also led to the arrest and detention of nine suspected abductors, who were tried by the Government of Southern Sudan Ministry of Legal Affairs and found guilty.

43. From January 2009 to February 2011, 187 children were released from LRA, many as a result of UPDF-SPLA operations. This included 124 Sudanese (46 girls and 78 boys), 55 Congolese (27 girls and 28 boys), 6 Ugandans (4 boys and 1 girl) and 2 children from the Central African Republic. One Sudanese girl died during a military operation. Two Sudanese girls, 11 Congolese girls and 5 Congolese boys have been reunited with their families; the remaining children await reunification. Twelve Sudanese children were also released through UPDF operations in the Central African Republic and the Democratic Republic of the Congo, and were repatriated by the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees.

44. Interviews with 31 boys and 15 girls who had escaped from LRA revealed that boys were generally used as porters and sometimes as spies. Many had allegedly been promised military training if they would remain with LRA. Girls were often used for domestic tasks and as sex slaves by LRA combatants.

Darfur

45. Within the three States of Darfur, allegations of the abduction of children have declined substantially, with fewer cases documented during the reporting period. However, there have been allegations of the cross-border forced recruitment of children by armed groups, including Chadian armed opposition groups and JEM, and by unidentified armed men crossing into Chad and Darfur. The United Nations has also documented recent cases of abduction in non-border regions of Darfur, including that of a girl in Northern Darfur and of three boys in Southern Darfur.

E. Denial of humanitarian access

Southern Sudan

46. Humanitarian actors had largely unrestricted access throughout the reporting period, with the exception of a few isolated incidents. However, access in Western Equatoria State was reduced owing to the prevailing insecurity related to repeated attacks by LRA.

47. The situation in Northern Bahr el Ghazal became increasingly unstable during the reporting period, and access for humanitarian actors was accordingly limited. The Office for the Coordination of Humanitarian Affairs also reported limited access in parts of Jonglei State, especially Pibor and Khorfulus counties, as well as in Fashoda and Sobot in Upper Nile State, and in parts of Unity State.

Three Areas

48. Access to the northern part of the former western Kordofan continued to be difficult for UNMIS owing to restrictions by SAF and the National Intelligence and Security Service, which claimed that it was outside the ceasefire zone and therefore outside the Mission's mandate. In Abyei, following the ruling of the Permanent Court of Arbitration, there was little improvement in the provision of basic services in the northern part of the Area. This situation, combined with growing tension in Misseriya seasonal settlements, has hampered the delivery of assistance and access to children. Road transport south to Abyei from the north has also been subject to increased blockades and looting and to multiple checkpoints.

Darfur

49. Gaining access to many areas across Darfur remained difficult or impossible for humanitarian actors. Fighting early in 2010 between armed groups and Government forces in Jebel Marra contributed to the displacement of some 100,000 civilians, including children, and led to the suspension of humanitarian activities in February 2010, although partial access was allowed in August and September 2010.

50. The expulsion of 13 international non-governmental organizations and 3 local non-governmental organizations by the Government in 2009 had a significant impact on the delivery of essential humanitarian assistance for children, especially in remote areas of Darfur. Issues relating to access and security in Darfur have been discussed at monthly meetings of the High-level Committee co-chaired by the United Nations Humanitarian Coordinator and the Minister of Humanitarian Affairs.

51. Meanwhile, on 18 March 2011, the African Union-United Nations Joint Special Representative for Darfur was granted access to the area of Jebel Marra, accompanied by a team including UNICEF. The Special Representative visited the localities of Jawa and Fanga Suk, and appealed to the parties to the conflict to end the fighting and allow safe and free access for aid agencies and other humanitarian actors.

F. Attacks against schools and hospitals

Southern Sudan

52. Some examples of attacks against schools and hospitals include:

(a) On 28 December 2009, a 16-year-old male student was shot and killed when the Government of Southern Sudan anti-riot police fired inside a school in Central Equatoria State on protesters demonstrating against the non-payment of teachers;

(b) On 2 March 2010, SPLA reinforcements were sent to a site of ongoing fighting between SPLA and young cattle-keepers in Toc, Tonj East County, Warrap State. This engagement resulted in the destruction of infrastructure, including four schools and one health centre. Schools were set on fire in Palal, Paquet and Akier in Warrap State, which destroyed the buildings and school supplies;

(c) In October 2010, SPLA occupied Wunalem and Alem basic schools in Jonglei State during fighting that had erupted between SPLA and a renegade commander. Despite United Nations advocacy, the two schools were still being occupied by SPLA forces;

(d) On 16 May 2010, LRA attacked a health centre in Nabaaria village, Tambura, Western Equatoria State, and looted medicine.

Three Areas

53. In Southern Kordofan, it was confirmed that on 24 December 2010 SAF had occupied two primary schools, one health centre and one medical guesthouse in Toroji village. In El Buram town, Southern Kordofan, SAF continued to occupy one primary school and to maintain a permanent security presence, despite the fact that pupils were attending class in the vicinity. During clashes in Abyei late in February 2011, two schools in the vicinity of fighting were destroyed, although the perpetrators were not identified.

Darfur

54. Sixteen incidents of attacks on schools and hospitals were recorded during the reporting period. Examples include:

(a) On 20 October 2009, the United Nations confirmed the burning of a clinic during an SAF attack on Mawo village, Northern Darfur State, an area with a suspected SLA-Abdul Wahid presence;

(b) On 7 June, 23 July and 9 August 2010, respectively, two clinics and Alsalam Basic School H, all located in Kalma camp for internally displaced persons (Southern Darfur), were burned by unknown perpetrators. These incidents occurred in the context of violence in the camp following a political disagreement between SLA-Abdul Wahid factions regarding accession to the Darfur Peace Agreement, and subsequent interventions by the Government of the Sudan within the camp;

(c) On 2 September 2010, four children died during an attack by militias on a school in Tawila, Northern Darfur, where they had sought refuge.

IV. Follow-up to the conclusions of the Security Council Working Group on Children and Armed Conflict and recommendations of the Secretary-General

A. Monitoring and reporting of violations against children in the Sudan

55. The United Nations-Government Coordination Mechanism for Children and Armed Conflict in the Sudan was established in 2008 to initiate dialogue and address the recommendations contained in the reports of the Secretary-General on children and armed conflict in the Sudan. Although this forum did not formally meet during 2010 owing to logistical reasons and the elections, which delayed the appointment of key Government counterparts, informal exchanges between the Government and the United Nations country task force for the monitoring and reporting of grave violations against children continued throughout 2010, and it is expected that formal meetings will take place in 2011.

B. Dialogue and action plans with parties to the conflict

Southern Sudan

56. On 20 November 2009, my Special Representative for Children and Armed Conflict witnessed the signing of the action plan by SPLA to end the recruitment and use of child soldiers. The action plan articulates modalities for the verification and release of children associated with SPLA, as well as awareness-raising and capacity-building activities. While the action plan lapsed on 20 November 2010, in February 2011 SPLA agreed to continue verification activities with the United Nations and the Southern Sudan Disarmament, Demobilization and Reintegration Commission, pending an official extension of the plan.

57. On 8 December 2009, as part of the action plan, SPLA issued an executive directive requesting all units to release children within their ranks by 1 January 2010 and imposing disciplinary measures for non-compliance. To date, 277 children have been released, and 43 others have been identified and verified and await registration and demobilization in 2011. Shortly after the signing of the action plan, SPLA child protection units were created. The units have been established in all 10 divisions of SPLA. As of February 2011, 1,045 SPLA soldiers have been trained by the units. In addition, awareness-raising sessions on child rights have been conducted for 13,000 SPLA soldiers by the United Nations, the units and the Southern Sudan Disarmament, Demobilization and Reintegration Commission.

58. In August 2010, a team comprising the SPLA child protection units, the Southern Sudan Disarmament, Demobilization and Reintegration Commission, UNMIS, UNICEF and Save the Children in Southern Sudan developed a code of conduct for SPLA, incorporating information on the six grave violations and serving as a guiding tool for child protection.

59. Challenges faced in the implementation of the action plan include lack of access due to, inter alia, insecurity in Jonglei, Unity, Upper Nile and Western Bahr el Ghazal States and lack of cooperation on the part of some SPLA commanders who have both blocked access for northern Sudanese representatives of the Joint

Disarmament, Demobilization and Reintegration Commission office and denied the presence of children in their ranks. Following advocacy by UNMIS, SPLA committed to cooperating with the United Nations, including in particular in the Three Areas. It was jointly agreed that action plan assessments would begin in the Three Areas at the end of January 2011.

60. Key aspects of the action plan remain to be implemented. For example, the executive directive on the demobilization and release of all children did not reach tactical-level units of SPLA. In addition, penalties for those who still recruit and use children remain to be created, published and distributed.

Darfur

61. While SAF does not have a policy of recruiting children, the task force has expressed concern over the continued association of children with the armed force. On 23 May 2010 in Khartoum, the task force met with senior SAF officers to discuss the preparation of an action plan to end the association of children with SAF. This action plan will also apply to its proxy groups.

62. In a follow-up meeting held on 21 October 2010, Ministry of Defence officials agreed to work towards an action plan. At the meeting, the officials also agreed to consider criteria that would be included in an action plan, including the facilitation of access for the United Nations to SAF military camps to verify the presence of children. In addition, they requested that any sightings of child soldiers be brought to the attention of SAF leadership for immediate action.

63. On the basis of a memorandum of understanding signed between SAF and UNICEF in December 2008, a child rights unit was established within SAF to sensitize and train its officers on national and international standards relating to child rights and child protection. In 2009 and 2010, the unit sensitized and trained more than 665 SAF officers in Khartoum and Darfur.

64. The United Nations has also successfully negotiated action plans with three of the armed groups that signed the Darfur Peace Agreement. In April 2010, SLA-Mother Wing (Abu Gasim) issued a command order prohibiting its fighters from recruiting and using child soldiers, and subsequently submitted an action plan to the United Nations, in which it committed to ending the recruitment and use of child soldiers, taking measures to prevent the recruitment and re-recruitment of children, and allowing access for the United Nations team to carry out monitoring and verification.

65. SLA-Free Will signed an action plan in June 2010. Since then, it has submitted progress reports to the African Union-United Nations Hybrid Operation in Darfur (UNAMID) on the implementation of the plan, indicating that a command order has been disseminated, training undertaken and 40 released children registered by the Northern Sudan Disarmament, Demobilization and Reintegration Commission.

66. On 22 December 2010, JEM-Peace Wing submitted an action plan to the United Nations, to be implemented in El Geneina and Zalengi, Western Darfur. In April 2011, JEM-Peace Wing identified and submitted to the United Nations a list of 65 former child soldiers identified in three localities in Western Darfur (Um Dukhun, Baida and Mugurni). The list has been submitted to the Northern Sudan Disarmament, Demobilization and Reintegration Commission for registration.

67. The United Nations has also made some progress in dialogue with other opposition armed groups. A memorandum of understanding was signed between JEM and the United Nations on 21 July 2010, as a first step towards the signing of an action plan. The memorandum was aimed at establishing an understanding of the basic principles of child rights enshrined in national and international laws, and outlining specific conditions for unhindered access to verify compliance with such laws. However, the departure of JEM from many parts of Darfur and their dispersal as a result of renewed clashes with Government forces have contributed to delays in implementing the memorandum.

68. On 23 December 2010, UNAMID and UNICEF visited Gur Lumbung (Golum Bay) in Jebel Marra, Southern Darfur, a stronghold of SLA-Abdul Wahid, to discuss the recruitment and use of child soldiers. The armed group confirmed that, while it did not actively recruit children, they might be associated with it. SLA-Abdul Wahid commanders pledged their full commitment to continuing dialogue with the United Nations and agreed to consider the establishment of an action plan.

69. In September 2010, the Nyala Special Court tried 11 suspects allegedly affiliated with JEM and accused of having attacked a convoy of the Government of the Sudan in Sanyi Afundu, Southern Darfur. Five of the defendants declared their ages to be between 15 and 17. However, the Court recognized the childhood age of only one (age 16), following the opinion of Sudanese medical authorities, and sentenced him to "reform measures for juvenile delinquents" under article 69 of the 2010 Child Act. The same medical authorities opposed the age declarations of the remaining four and certified their ages to be between 18 and 21. Subsequently, the judge sentenced all four to death by hanging, together with five other adult defendants. The Government of the Sudan has reaffirmed that all necessary legal remedies will be offered to the accused. The United Nations has appealed to the Government to stay the execution of the death sentence, review the cases and take all measures necessary to protect alleged child soldiers from capital punishment in accordance with national and applicable international law; JEM should meanwhile halt its practice of recruiting and using children and of placing them at risk.

70. The last execution of a minor in Nyala took place in May 2009. In November 2009, the Minister of Justice of the Government of the Sudan promised my Special Representative for Children and Armed Conflict that children would no longer be sentenced to death in the Sudan.

V. Advocacy and protection response

Southern Sudan

71. UNICEF supported the reintegration of 569 children formerly associated with SPLA (123 were released in 2007-2008, 59 in 2009, 210 in 2010 and 8 in 2011). The rest were children released by SPLA outside the formal disarmament, demobilization and reintegration process.

72. While the Ministry of Social Development has been implementing, with UNICEF support, repatriation and reintegration activities for children abducted by LRA, the scope of such activities remained limited owing to insufficient funding. Nevertheless, in January 2011 UNICEF signed two project agreements with non-governmental organizations to provide reintegration and protection assistance

to children released from LRA captivity in Western Equatoria State and areas of Central Equatoria State.

Three Areas

73. In Southern Kordofan, activities related to the disarmament, demobilization and reintegration of children were delayed by the expulsion of international non-governmental organizations. Follow-up by the social welfare system of the Government of Southern Sudan was reinitiated in 2010. A database on disarmament, demobilization and reintegration was set up, and 94 social workers and 41 police were trained by UNICEF on child protection, with 21 social workers trained on disarmament, demobilization and reintegration case management.

74. In Abyei, a social welfare system has been developed since early 2008, with the support of UNICEF, to respond to the needs of and protect vulnerable children, including children affected by armed conflict. Forty police officers, as well as traditional courts and social workers, were trained on child protection in 2010. Vocational training activities were provided for some 400 vulnerable children, including children formerly associated with armed forces or groups.

Darfur

75. In March 2009, following an agreement between the Northern Sudan Disarmament, Demobilization and Reintegration Commission and the Transitional Darfur Regional Authority on an operational plan for the disarmament, demobilization and reintegration of children in Darfur, the six armed groups that had signed the Darfur Peace Agreement submitted the names of nearly 2,000 children for participation in the Darfur programme.

76. Alongside reintegration efforts, the prevention of recruitment remained a priority. Advocacy has been conducted with armed forces and groups and with communities to raise awareness on child rights and to empower families and communities to protect their children from recruitment. A wider child protection awareness campaign is being rolled out by UNICEF and the National Council for Child Welfare; in 2010 for example, 10 million people were reached through the positive messaging multimedia campaign "Saleema" in the Sudan.

77. In order to strengthen responses to sexual violence in Darfur, UNAMID police created a special unit on rape to support the efforts of the Sudanese police family and child protection units which are operational in the three Darfur State capitals. In addition, UNAMID military and police personnel have continued their patrols, including around camps for internally displaced persons and in remote areas, to provide protection to women and children and to mitigate the risk of exposure to attacks.

VI. Measures undertaken by national authorities to address grave violations

78. On 9 April 2009, the Government of Southern Sudan adopted the Child Act of Southern Sudan. The Act criminalizes the six grave violations against children identified in my 2005 report on children and armed conflict (S/2005/72), increases

the age of criminal responsibility from 10 to 12 years and imposes stronger punishment for child abduction.

79. On 29 December 2009, the National Assembly of the Government of National Unity ratified the Federal Child Act. This law clearly defines a child as anyone younger than 18, criminalizes the recruitment of children into armed forces or groups and requires the demobilization, rehabilitation and reintegration of child soldiers and child victims of armed conflict. The Act also abolishes the death penalty against children and lays out harsher punishments for those found guilty of having committed crimes against children, including rape.

80. The Sudanese police established the family and child protection units, in collaboration with the National Council for Child Welfare and UNICEF, as well as other partners. Fourteen units and six outreach desks are operational in Northern Sudan and three units in Southern Kordofan. The units strengthen child-friendly and gender-sensitive procedures followed in dealing with children who are in contact with the law, giving priority to girl victims of abuse and violence. In addition, six child courts were established and a number of prosecutors for children appointed. While these are positive developments, there is a need for more systematic support and increased Government resources for these institutions.

81. In order to promote dialogue among relevant stakeholders, address cross-border issues related to children and enhance child protection, including the prevention of child recruitment, a series of meetings were organized in Chad and the Central African Republic between June 2009 and October 2010 with the participation of the Sudan. As a follow-up, the National Council for Child Welfare and the Northern Sudan Disarmament, Demobilization and Reintegration Commission started reflecting on a mechanism to address Sudan-Chad cross-border issues related to children, including trafficking and the prevention of recruitment.

VII. Recommendations

82. I welcome the efforts of the Governments of the Sudan and Southern Sudan to strengthen the legislative framework for the protection of children. The adoption of the Federal Child Act, the Sudan Armed Forces Act and Southern Sudan's Child Act constitute significant milestones in the creation of a protective environment for children affected by armed conflict. Concrete and practical steps, including the establishment of a child rights unit in SAF, the child protection unit of SPLA and the Sudanese police family and child protection units, will help to raise awareness of child rights and welfare in the security forces. I call upon the Governments of the Sudan and Southern Sudan to continue their commitment to the dissemination and implementation of child protection legislation, including at the State level, and urge both to ensure that sufficient resources are dedicated to the mainstreaming of child protection throughout their security forces.

83. While important steps have been taken by the Government of the Sudan, to ensure the protection of children, steps must also be taken as a matter of urgency to address the continued presence of children in SAF and its associated forces. The commitment of the Government of the Sudan to the completion of an action plan to end the recruitment and use of children is noted and appreciated; I urge the Government to accelerate its dialogue with the United Nations with a view to

developing a concrete time-bound plan, in line with Security Council resolution 1612 (2005).

84. I also welcome the signing of the action plan by SPLA in November 2009 to end the recruitment and use of children, as well as the progress made in terms of the release of children. I urge SPLA to renew its formal commitment to the action plan and to fully implement it as a matter of priority. The action plan constitutes an important step towards the professionalization of SPLA ahead of its transformation into the armed forces of the future State of South Sudan.

85. In addition, I welcome the signing of action plans by SLA-Free Will, SLA-Mother Wing (Abu Gasim) and JEM-Peace Wing, as well as the progress made by parties in releasing children. I urge those parties, as well as previous signatories to action plans, including SLA-Minni Minawi, to ensure the full implementation of these plans, including by providing full and unimpeded access for United Nations verification. In addition, I call upon all parties non-signatories to the Darfur Peace Agreement, including SLA-Abdul Wahid and JEM, to establish time-bound action plans to end the recruitment and use of children, and remind them of their obligation under international law to immediately release children from their ranks.

86. The United Nations will continue its effort to reach out to all other armed groups listed in the annex to my annual report on children and armed conflict in order to elicit commitments on action plans to end the recruitment and use of children. I remind these groups of their obligation under international law to cease the recruitment and use of children and to actively identify and immediately release to the United Nations those children already in their ranks.

87. Southern Sudan will become an independent State on 9 July 2011, in a complex and fragile internal and regional environment. The volatility of the security situation along the border, intercommunal clashes and periodic incursions by LRA mean that children have been, and will likely continue to be, exposed to violence. Looking ahead, I urge the Government of the Sudan and the Government of Southern Sudan to make every effort to ensure that child protection is factored into military operations. In addition, I urge the Government of Southern Sudan to mainstream child protection into its plans to reform the security sector and strengthen State capacity to protect civilians.

88. For its part, the follow-on United Nations mission in South Sudan should have sufficient resources dedicated to assisting the Government in the protection of children. Key tasks will include supporting the completion of the SPLA action plan, continued monitoring and reporting on grave violations against children, mainstreaming child protection within the United Nations mission, and contributing to the mission's strategy for the protection of civilians.

89. The re-recruitment of children who have been separated from armed forces or groups is a real risk that can be addressed only through the provision of support for the long-term reintegration of children. I encourage donors working alongside the United Nations system to support efforts by the Sudanese authorities to reintegrate former child soldiers.

90. I remain deeply concerned about the imposition of the death penalty on children associated with armed groups in Darfur, in contravention of the provisions of the Federal Child Act and international norms. While it took place outside the period covered in the present report, I am encouraged by the Supreme Court's recent

dismissal of the death sentence imposed by the Nyala Special Court referred to in paragraph 69 above, and urge the Government to strictly implement its national laws with regard to the prohibition of capital punishment of children.

91. Reports of the rape of and sexual violence against children in conflict-affected areas are a continued concern. I call on the national authorities to end impunity through rigorous and timely investigation and prosecution, with the allocation of additional resources, to strengthen prevention and provide appropriate responses at the State and county levels.

92. I am deeply concerned that, as a result of fighting between the parties to the conflict and inter-ethnic clashes, the United Nations is often being denied access to certain areas in Darfur and the Three Areas. In this regard, I urge the Government to ensure full, unimpeded and secure access for humanitarian assistance to children.

93. Finally, I wish to thank the country task force in the Sudan, including staff of UNMIS, UNAMID and UNICEF, for the work that they have undertaken to assist the Sudanese in building a protective environment for Sudanese children affected by conflict.